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Crime prevention and criminal justice

Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

Note by the Secretariat

By its resolution 2003/20 of 22 July 2003, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

"**Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking**

"*The General Assembly*,

"*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[1]

"*Taking note* of guideline 8, "Special measures for the protection and support of child victims of trafficking", contained in the report of the United Nations High Commissioner for Human Rights,[2]

"*Recalling* the Convention on the Rights of the Child,[3] and noting the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[4]

"*Recalling also* International Labour Organization Convention No. 182 of 1999, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits forced or obligatory labour of all people under the age of eighteen,

[1] General Assembly resolution 40/34, annex.
[2] E/2002/68/Add.1.
[3] General Assembly resolution 44/25, annex.
[4] General Assembly resolution 54/263, annex II.

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"*Recalling further* paragraphs 25 and 27 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[5]

"*Recalling* its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime,[6] and in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[7]

"*Condemning* trafficking in persons as an abhorrent form of modern-day slavery and as an act that is contrary to universal human rights,

"*Decrying* the treatment of human beings as commodities bartered, bought or sold by traffickers, in particular exploiters,

"*Deeply concerned* at the worldwide occurrence of trafficking in persons for the purpose of exploitation of all kinds by transnational organized criminal groups, many of which are also involved in other forms of illegal activity, including trafficking in firearms, money-laundering, drug trafficking and corruption,

"*Profoundly alarmed* by the fact that trafficking in persons is a growing and profitable trade in most parts of the world, aggravated by, inter alia, poverty, armed conflict, inadequate social and economic conditions and demand in the illicit labour and sex markets,

"*Expressing dismay* at the ability of criminal networks to avoid punishment while preying on the vulnerabilities of their victims,

"*Noting* the distinctions and interlinkages between the two criminal behaviours of trafficking in persons, as set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of smuggling of migrants, as set forth in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[8]

"*Convinced* of the urgent need for broad and concerted international cooperation among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat trafficking in persons,

"*Convinced also* that civil society, including non-governmental organizations, can play a role in reducing existing and future opportunities for victimization in the field of trafficking and in assisting Governments in promoting protection of victims through comprehensive and non-stigmatizing social and appropriate economic assistance to victims, including in the areas of health, education, housing and employment,

"*Welcoming* efforts of Member States, in particular countries of origin, transit and destination, to create awareness among civil society concerning the

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[5] General Assembly resolution 55/59, annex.
[6] General Assembly resolution 55/25, annex I.
[7] General Assembly resolution 55/25, annex II.
[8] General Assembly resolution 55/25, annex III.

seriousness of the crime of trafficking and of its various forms, as well as the role of the public in preventing victimization and assisting victims of trafficking,

"*Noting* the thematic discussion on trafficking in human beings, especially women and children, held by the Commission on Crime Prevention and Criminal Justice at its twelfth session,

"1. *Urges* Member States to employ a comprehensive approach to combating trafficking in persons, incorporating law enforcement efforts and, where appropriate, the confiscation and seizure of the proceeds of trafficking, protection of victims and preventive measures, including measures against activities that draw profit from the exploitation of victims of trafficking;

"2. *Calls upon* Member States to collaborate with a view to preventing trafficking in persons, especially for the purpose of sexual exploitation, through:

(a) Improved technical cooperation to strengthen local and national institutions aimed at preventing trafficking in persons, especially women and children, in countries of origin;

(b) Information campaigns on the techniques and methods of traffickers, programmes of education aimed at prospective targets, as well as vocational training in social skills and assistance in the re-integration of victims of trafficking into society;

(c) Focusing on post-conflict regions where patterns of human trafficking are emerging as a new phenomenon and incorporating anti-trafficking measures into early intervention;

"3. *Recognizes* that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations is essential to effectively counter the threat of trafficking in persons;

"4. *Urges* Member States to take measures to ratify or accede to the United Nations Convention against Transnational Organized Crime,6 the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime7 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography4 and to implement those instruments by, inter alia:

(a) Criminalizing trafficking in persons;

(b) Promoting cooperation among law enforcement authorities in combating trafficking in persons;

(c) Establishing the offence of trafficking in persons as a predicate offence for money-laundering offences;

"5. *Invites* Member States to adopt measures, in accordance with their domestic law and capacity, inter alia:

(a) To fight sexual exploitation with a view to abolishing it, by prosecuting and punishing those who engage in that activity;

(b) To raise awareness, especially through training, among criminal justice officials and others as appropriate of the needs of victims of trafficking and of the crucial role of victims in detecting and prosecuting this crime by, inter alia:

(i) Investigation of all cases reported by victims, prevention of further victimization and in general treatment of victims with respect;

(ii) Treatment of victims and witnesses with sensitivity throughout criminal judicial proceedings, in accordance with articles 24 and 25 of the United Nations Convention against Transnational Organized Crime and article 6, paragraph 2, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

"6. *Also invites* Member States to adopt measures, in accordance with their domestic law and capacity, inter alia:

(a) To provide assistance and protection to victims of trafficking in persons, including measures to permit victims of trafficking to remain in their territory temporarily or permanently, as appropriate;

(b) To promote the legislative and other measures necessary to establish a wide range of assistance, including legal, psychological, medical and social assistance and, if appropriate, compensation or restitution, to the actual victims of trafficking, subject to the determination of the existence of victimization;

(c) To provide humane treatment for all victims of trafficking, taking into account their age, gender and particular needs, in accordance with article 6, paragraphs 3 and 4, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(d) To assist in the re-integration of victims of trafficking into society;

"7. *Further invites* Member States, as appropriate, to develop guidelines for the protection of victims of trafficking before, during and after criminal proceedings;

"8. *Urges* Member States to ensure that measures taken against trafficking in persons, especially women and children, are consistent with internationally recognized principles of non-discrimination and that they respect the human rights and fundamental freedoms of victims;

"9. *Invites* Member States to set up mechanisms for coordination and collaboration between governmental and non-governmental organizations with a view to responding to the immediate needs of victims of trafficking;

"10. *Also invites* Member States to allocate appropriate resources for victim services, public awareness campaigns and law enforcement activities directed at eliminating trafficking and exploitation and to foster international cooperation, including adequate technical assistance and capacity-building programmes, to improve the ability of Member States to take effective measures against trafficking in persons;

"11. *Encourages* Member States to examine the role of the exploitation of the prostitution of others in encouraging trafficking in persons;

"12. *Also encourages* Member States to adopt legislative or other measures to reduce the demand that fosters all forms of trafficking in persons, including by cooperating with non-governmental organizations and civil society and by raising public awareness of how sexual and other forms of exploitation degrade their victims and the related risks of trafficking in persons, especially women and children;

"13. *Further encourages* Member States to take measures, including raising public awareness, to discourage, especially among men, the demand that fosters sexual exploitation, in accordance with article 9, paragraph 5, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

"14. *Encourages* Member States to target the link, where appropriate, between trafficking in persons for purposes of sexual and other forms of exploitation and further types of crime;

"15. *Encourages* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat to continue its close cooperation and coordination with relevant international and regional organizations in this area;

"16. *Encourages* Member States to make voluntary contributions to further strengthen and support the Centre and its Global Programme against Trafficking in Human Beings, in particular in the area of technical assistance activities;

"17. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution."